

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
 United States Patent and Trademark
 Office
 Box PCT
 Washington, D.C.20231
 ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 11 May 2000 (11.05.00)	
International application No. PCT/US99/19721	Applicant's or agent's file reference PROTEO.P072P
International filing date (day/month/year) 30 August 1999 (30.08.99)	Priority date (day/month/year) 31 August 1998 (31.08.98)
Applicant CASTILLO, Gerardo et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
 24 March 2000 (24.03.00)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

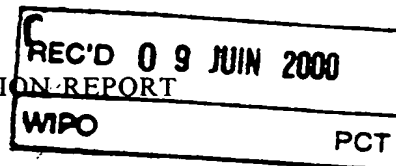
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer R. E. Stoffel
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference PROTEO.P072P	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US99/19721	International filing date (<i>day/month/year</i>) 30 AUGUST 1999	Priority date (<i>day/month/year</i>) 31 AUGUST 1998
International Patent Classification (IPC) or national classification and IPC IPC(7): A61K 35/00 and US Cl.: 424/195.1, 464, 439		
Applicant PROTEOTECH, INC.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 0 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 27 MARCH 2000	Date of completion of this report 08 MAY 2000
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230	Authorized officer Cybille Delacroix-Muirheid Telephone No. (703) 308-0196

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/19721

I. Basis of the report1. With regard to the **elements** of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
pages 1-20, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____
- ☒ the claims:
pages 21-23, as originally filed
pages NONE, as amended (together with any statement) under Article 19
pages NONE, filed with the demand
pages NONE, filed with the letter of _____
- ☒ the drawings:
pages 1-5, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____
- ☒ the sequence listing part of the description:
pages NONE, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheets/fig NONE

5. ☐ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

**Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/19721

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. statement

Novelty (N)

Claims 1-16 YESClaims NONE NO

Inventive Step (IS)

Claims 1-16 YESClaims NONE NO

Industrial Applicability (IA)

Claims 1-16 YESClaims NONE NO

2. citations and explanations (Rule 70.7)

Claims 1-16 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the claimed pharmaceutical agents and methods of use thereof. Upon closer examination of the cited prior art, it is the Examiner's position that the prior art does not teach or fairly suggest the claimed pharmaceutical compositions and methods of use thereof, wherein the compositions comprise plant material from *Uncaria tomentosa* in combination with one or more of the substances selected from the group consisting of Ginkgo Biloba, Gotu Kola, Echinacea, Vitamin E, Selenium, Niacin, nicotinate, Folic acid, Vitamin B12, choline, Bilberry, Dong Quai, Aloe Vera, Chromium Polynicotinate, cobalamin, Biotin, Ginseng, Vitamin B1 and Thiamine HCl.

Claims 1-16 meet the criteria set out in PCT Article 33(4), because the claimed pharmaceutical compositions and methods of use thereof can be used in industry.

----- NEW CITATIONS -----

NONE

FOR THE PURPOSES OF INFORMATION ONLY

Codes used to identify States party to the PCT on the front pages of pamphlets publishing international applications under the PCT.

AL	Albania	ES	Spain	LS	Lesotho	SI	Slovenia
AM	Armenia	FI	Finland	LT	Lithuania	SK	Slovakia
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BE	Belgium	GN	Guinea	MK	The former Yugoslav Republic of Macedonia	TM	Turkmenistan
BF	Burkina Faso	GR	Greece			TR	Turkey
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CU	Cuba	KZ	Kazakstan	RO	Romania		
CZ	Czech Republic	LC	Saint Lucia	RU	Russian Federation		
DE	Germany	LI	Liechtenstein	SD	Sudan		
DK	Denmark	LK	Sri Lanka	SE	Sweden		
EE	Estonia	LR	Liberia	SG	Singapore		

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US99/19721

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) :A61K 35/00

US CL :424/195.1, 464, 439

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 424/195.1, 464, 439

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
none

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

Please See Extra Sheet.

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 5,571,441 A (ANDON et al.) 05 November 1996, see entire document.	1-16
Y	US 5,302,611 A (KEPLINGER et al.) 12 April 1994, see entire document, especially claim 19.	1-16
Y	Database BIOBUSINESS, Accession No. 97:61338, SCHECHTER, S, 'Cat's claw', abstract, Health Foods Business. July 1997, Vol. 43, No. 7, pages 77-78, abstract only.	1-16
A	US 5,681,569 A (KUZNICKI et al.) 28 October 1997, see entire document.	1-16

☐ Further documents are listed in the continuation of Box C.
 ☐ See patent family annex.

* Special categories of cited documents:	*T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
A document defining the general state of the art which is not considered to be of particular relevance	*X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
E earlier document published on or after the international filing date	*Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	*Z* document member of the same patent family
O document referring to an oral disclosure, use, exhibition or other means	
P document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search

19 DECEMBER 1999

Date of mailing of the international search report

11 JAN 2000

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 Box PCT
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Facsimile No. (703) 305-3230

Authorized officer

Cybille D-Muirheid

Telephone No. (703) 308-0196

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US99/19721

B. FIELDS SEARCHED

Electronic data bases consulted (Name of data base and where practicable terms used):

STN, BIOSCIENCE

Uncaria tomentosa, Alzheimer's disease, amyloidoses, diabetes, ginkgo biloba, selenium, vitamins, folic acid, choline, echinacea, ginseng, niacin, nicotinate